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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,091	02/07/2006	Lior Ben Ezra	248/1	2395
24101	7590	07/31/2008		
Sean Liam Kelleher Kelleher & Lilling PLLC 245 Main Street White Plains, NY 10601			EXAMINER DANEGA, RENEE A	
			ART UNIT 3736	PAPER NUMBER
			NOTIFICATION DATE 07/31/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

skelleher@kelleherip.com

Office Action Summary

Application No.

10/595,091

Applicant(s)

EZRA ET AL.

Examiner

RENEE DANEGA

Art Unit

3736

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lowe et al. (WO 01/54488) in view of Tanaka et al. (EP 285451)

- Regarding claim 1, Lowe teaches an apparatus for determining the amount of milk supplied to a baby during breast feeding comprising; a nipple shield (12) mounted on a nipple region of a breast of a mother, a tube (20) connected to said shield through which milk passes from the mother to the baby; first and second detectors, or sensors, capable of sensing flow temperature, means for calculating a flow rate (14); and a display (24) for displaying the flow rate (Figures 1, 2) (page 2, line 17- page 3). Lowe doesn't teach the second detector downstream from the first, or specifically the means for calculating flow rate to be based on the temperature difference. However, Tanaka teaches a thermo-sensitive flow rate sensor in which second detector is downstream from a first thermal detector and means to convert the temperature difference into a flow rate (page 2, lines 11-39) (Figure 2). It would have been obvious in view of Tanaka to use temperature sensors to determine both the

temperature of breast milk and flow rate in Lowe's device in order to determine quality and amount of milk supplied to the baby.

- Regarding claim 2, Tanaka further teaches the flow sensor to have a heater positioned between the first and second detectors to heat the fluid flow (page 2, 24-30). It would have been obvious in view of Tanaka to provide a heater to measure flow rate.

3. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lowe and Tanaka as applied to claims 1 and 2 above, and further in view of Nagata et al. (US 5291781).

- Regarding claims 3 and 4, Tanaka teaches the means for calculating to be a bridge circuit and amplifier (page 4, lines 20-25). However Tanaka doesn't specify what kind of bridge circuit to be used. Nagata a Wheatstone bridge to be a known circuit in the art for converting temperature difference into flow rate (column 1, lines 54-59). It would have been obvious to one of ordinary skill in the art to use a Wheatstone bridge as the bridge circuit in Tanaka's sensor in order to convert temperature difference to flow rate.

4. Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lowe and Tanaka as applied to claims 1-2 above, and further in view of Meynier (US 2364866).

- Regarding claims 5-6 Lowe doesn't teach the nipple shield to be made of multiple layers of silicon rubber. However, Meynier teaches a nipple

shield with a layer of thickened walls which overlies an annular portion of the natural nipple and terminates in a thin walled portion with discontinuous and continuous ridges to prevent pinching of the nipple and maintain an efficient seal from infant suction created from natural or synthetic rubber (column 1, lines 45-50, column 2 lines 1-29). Although Meynier doesn't specifically teach silicon rubber, it is a known material in the medical art and would have been an obvious choice to one of ordinary skill. Further it would have been obvious in view of Meynier to provide multiple layers of rubber in order to enhance suction efficiency and comfort of the mother.

5. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lowe, Tanaka, and Nagata as applied to claims 3-4 above, and further in view of Meynier (US 2364866).

- Regarding claims 7-8, Lowe doesn't teach the nipple shield to be made of multiple layers of silicon rubber. However, Meynier teaches a nipple shield with a layer of thickened walls which overlies an annular portion of the natural nipple and terminates in a thin walled portion with discontinuous and continuous ridges to prevent pinching of the nipple and maintain an efficient seal from infant suction created from natural or synthetic rubber (column 1, lines 45-50, column 2 lines 1-29). Although Meynier doesn't specifically teach silicon rubber, it is a known material in the medical art and would have been an obvious choice to one of ordinary

skill. Further it would have been obvious in view of Meynier to provide multiple layers of rubber in order to enhance suction efficiency and comfort of the mother.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Stuart (US 4680028) discloses a nipple shield which is preferably made of silicone rubber due to its natural flexibility and thermo-set properties (column 5, lines 41-43, column 4 lines 35-40).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RENEE DANEGA whose telephone number is (571)270-3639. The examiner can normally be reached on Monday through Thursday 7:30-5:00 eastern time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max Hindenburg can be reached on (571) 272-4726. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3736

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RAD

/Max Hindenburg/
Supervisory Patent Examiner, Art Unit 3736